

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 16, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Grant Monahan, Nicole Upano, Trevor Vance, Connie Vickery, Kevin Robertson, Marc Carmichael, Deb Scott, C. Tooman, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the February 2, 2010 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the February 16, 2010 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred ninety-three (393) renewals approved, forty-nine (49) new and/or transfer permits approved, seven (7) permits approved for catering, eight (8) permits approved for first year escrow, one (1) permit approved for second year escrow, one (1) permit approved for third year escrow and three (3) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-22890 & 22885 RONAN RYAN'S IRISH PUB – Commissioner Guthrie noted this is a type 112 and a type 210-1 renewal, transfer of ownership and transfer of location application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie stated the Commission received notice after the local board meeting that apparently the required orange sign was not posted at the site and there may be a church that is within 200 feet of the permit premises.

Commissioner Guthrie moved to approve the renewal, but remand the transfers to the local board for further investigation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-05343 TJM PROFESSIONAL, LLC, D/B/A SANGRIA'S WINE BAR – Commissioner Guthrie noted this is a type 210 transfer of ownership and location with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie stated issues have arisen since the local board meeting and one of the local board members requested this be remanded.

Commissioner Guthrie moved to remand this application to the local board for further investigation. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR06-26519 & 26520 OCCASIONS DIVINE, LLC, D/B/A SERENITY – Commissioner Guthrie noted this is a new type 103 and a new type 210-1 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to table this matter until the March 2, 2010 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR48-26619 & 26620 1415 MAIN STREET CORPORATION, D/B/A STINGERS BAR & GRILL – Commissioner Guthrie noted this is a new type 103 and a new type 210-1 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permits. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make seven (7) permits inactive. Six (6) permits are not subject to auction and one (1) permit is subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

BEER DEALER PERMITS – Executive Secretary Dunsmore stated a Motion for Injunctive Relief was filed and denied regarding this matter last week. The Commission's counsel, the Attorney General's Office, is advising the Commission to continue to table these applications until further notice.

Chairman Snow stated this might be a matter to be discussed at an executive session prior to the next meeting.

Commissioner Guthrie moved to continue to table these applications. Motion seconded by Commissioner Sturtz and it was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER